

GROUND WATER USERS GUIDE

State Water Well Registration

All water wells must be registered except: test holes used ten days or less, dewatering wells with intended use of 90 days or less, vapor extraction wells, and domestic wells constructed prior to September 9, 1993. To register a well, submit completed Water Well Registration form (DNR Form 145) and proper fees to the Department of Natural Resources (DNR). The Department has made available to contractors a service to register the wells on line. This service saves time, provides improved accuracy and the contractors receive a quicker response of the registered well.

A replacement water well means a water well which is constructed to provide water for the same purpose as the original water well and is operating in accordance with any applicable permit from the department and any applicable rules and regulations of the natural resources district and, if the purpose is for irrigation, the replacement water well delivers water to the same tract of land served by the original water well and (i) replaces a decommissioned water well within one hundred eighty days after the decommissioning of the original water well, (ii) replaces a water well that has not been decommissioned but will not be used after construction of the new water well and the original water well will be decommissioned within one hundred eighty days after such construction, except that in the case of a municipal water well, the original municipal water well may be used after construction of the new water well but shall be decommissioned within one year after completion of the replacement water well, or (iii) the original water well will continue to be used but will be modified and equipped within one hundred eighty days after such construction of the replacement water well to pump fifty gallons per minute or less and will be used only for livestock, monitoring, observation, or any other nonconsumptive or de minimis use approved by the applicable natural resources district.

DNR shall be notified by the owner of any change of ownership by filing a form provided by the Department. Written notice on a form provided by the Department must be provided to DNR within sixty days of any correction of registration information, modification of a registered well, and for decommissioning of all water wells.

Water Well Registration Fees

The fee for registration of a water well is forty dollars (\$40.00) plus the fee required in Section 46-1224 for each water well registration. That will make the total fee collected come to either seventy dollars (\$70.00) for wells designed & constructed to pump less than 50 gallons per minute or one-hundred ten dollars (\$110.00) for wells designed & constructed to pump 50 gallons per minute or greater. The combined fees are:

\$70 for wells that pump less than 50 gallons per minute, unless it meets one of the exceptions described below.

\$70 for a series of water wells completed for purposes of installation of a ground heat exchanger (does not withdraw ground water) that utilizes the geothermal properties of the ground.

\$70 for monitoring & observation wells without pumps.

\$110 for wells that pump 50 gallons per minute or more.

Exceptions:

For a series of two or more irrigation wells completed and pumped into a common carrier as part of a single site plan...a registration fee is required for each of the first two water wells registered based upon their capacity. No fees are required for any additional irrigation wells that are included in or added to the series. Any new water well registration form(s) for wells in the series must state the registration numbers of the previously registered wells that are included in the series.

For wells permitted pursuant to the Industrial Ground Water Regulatory Act a fee is required for each of the first ten water wells registered based upon their capacity. For each group of ten or fewer such water wells registered thereafter, the fee is either \$70 or \$110 based on the highest pumping rate of any water well in the group.

To register water wells constructed as part of a single site plan for monitoring ground water, obtaining hydrogeologic information, or extracting contaminants from the ground (which include soil vapor extraction or vapor monitoring wells), a fee is required for each of the first five water wells registered based upon their capacity. For each additional group of five or fewer thereafter a \$70 or \$110 fee is assessed based on the highest pumping rate for any water well in the group. The site plan should include all constructed and yet to be constructed water wells so that the fees reflect a continuation of any future registrations submitted. For additional water wells constructed at the site that were not identified on the original site plan, a new site plan and separate Water Well Registration forms and proper fees must be submitted.

To register water wells constructed as part of remedial action approved by the Department of Environmental Quality pursuant to section 66-1525, 66-1529.02, or 81-15.124, R.R.S., 1943, as amended, a Department of Environmental Quality letter of approval, a detailed site plan & \$40 for the site and \$30 for each of the first five water wells that pump less than 50 gallons per minute; or \$40 for the site and \$70 for each of the first five water wells that pump 50 gallons per minute or more. For each additional group of five or fewer thereafter, a \$30 or \$70 fee is assessed. Fees are based on the highest pumping rate of any water well in each additional group of five or fewer. The site plan should include all constructed and yet to be constructed water wells so that the fees reflect a continuation of any future registrations submitted. For additional water wells constructed at the site that were not identified on the original site plan, a new site plan, a copy of the remedial action approval letter, separate Water Well Registration forms and proper fees must be submitted.

Minimum Well Spacing for Registered Wells Under Separate Ownership

- 600 feet between irrigation wells
- 1,000 feet between irrigation and public water supply¹ wells

- 1,000 feet between public water supply¹ and industrial wells
- 1,000 feet between industrial and irrigation wells
- 1,000 feet between industrial wells
- 1,000 feet between public water supply¹ wells

Minimum spacing may be a greater distance in certain natural resources districts (NRD). Contact the NRD in which the water well is to be located for information.

Applications may be filed for exemption of minimum spacing. The filing fee is \$12.50. Application forms are available from DNR.

Potable use well placement, standards and construction and decommissioning information is available from the Nebraska Department of Health and Human Services System (402/471-0546).

Application For A Permit To Appropriate Water (DNR Form 233-1)

A permit is required for irrigation wells constructed after July 1, 2000, and located within 50 feet of the bank of a channel of a stream. A replacement irrigation well located within 50 feet of the bank of a channel of a stream does not require a permit if the original well it replaced was within 50 feet of the bank of a channel of a stream and constructed prior to July 1, 2000.

Municipal and Rural Domestic Ground Water Transfers Permit

A public water supplier¹ may apply for a permit to withdraw, transport and use ground water on nonoverlying lands for domestic or municipal purposes.

A completed application, map indicating well locations, and correct fee must be submitted to DNR. The fee is \$50 for the first five million gallons per day, as requested for the maximum day use rate, and \$20 for each additional (or fraction of) five million gallons per day, as requested for the maximum day rate. Application forms are available from DNR.

After approval of the permit, spacing protection of 1,000 feet may be granted for one year for test holes and wells to be constructed.

Notice of application will be published once a week for three consecutive weeks at the applicant's expense. Objections and request for hearing must be filed within two weeks after final publication. DNR may hold a hearing on its own motion and shall hold a hearing if requested by any person who files a written request for hearing.

Each water well must be registered. A registration fee is required.

¹ For purposes of well spacing protection and Municipal and Rural Domestic Ground Water Transfers Permits, a public water supply well must be owned by a city, village, municipal corporation, metropolitan utilities district, rural water district, natural resources district, irrigation district, reclamation district, or sanitary improvement district which supplies or intends to supply water to inhabitants of cities, villages, or rural areas for domestic or municipal purposes.

Industrial Ground Water Transfer Permit and Notice

A permit is required before constructing any water well to withdraw and transfer 150 acre-feet or more of water per year for industrial purposes. Industrial purposes include manufacturing, commercial and power generation. Commercial use includes maintenance of the turf of a golf course. The fee is \$1,500 for the first 4,000 acre-feet or fraction thereof, and \$750 for each additional 1,000 acre-feet or fraction thereof. Application forms are available from DNR.

Notice of application is published once a week for three consecutive weeks at the applicant's expense. Objections and request for hearing must be filed within two weeks after final publication. DNR may hold a hearing on its own motion and shall hold a hearing if requested by any person who files a written request for hearing.

After the permit is approved, the permitholder may apply to amend the permit if one of the determinations listed in section 46-683.01 is made. The application form is the same as that for an industrial ground water transfer permit and is available from the Department. The fee to amend an industrial transfer permit is \$500. The requirement to publish notice of application also applies to applications to amend a permit.

Each water well must be registered. A registration fee is required for the first ten water wells registered under the permit. For each additional group of ten or fewer water wells registered under the permit only one registration fee is required.

The withdrawal and transfer of less than 150 acre-feet per year may be made without a permit so long as the property which includes the point of withdrawal and the property which includes the point of delivery are owned or leased by the same person, the water is used by such person, and a total of less than 150 acre-feet of ground water is transferred from all sources to the property which is the point of delivery. If a permit is not required, the person intending to withdraw and transfer less than 150 acre-feet of ground water per year for industrial purposes must provide written notice to DNR. The notice must include the point of delivery, amount of the proposed transfer, the point of withdrawal.

The user must publish the transfer notice once a week for three consecutive weeks in a newspaper of general circulation in the county or counties in which the withdrawal is located. A meter that meets DNR approval must be installed on the well or wells.

Geothermal Resource Development and Production Permit

A permit is required before constructing systems utilizing ground water with temperatures higher than the normal gradient. An application and \$10 fee must be submitted. Application forms are available from DNR.

The Department of Environmental Quality, DNR representatives and applicant will confer to determine requirements of any studies.

Each water well must be registered. A registration fee is required.

Application to Transport Ground Water from Nebraska to Adjoining State

A permit is required to transport ground water for use in another state. An application for a permit and \$10 fee must be submitted to DNR. The application must be on a form provided by the Department.

Each water well must be registered. A registration fee is required.

Ground Water Management Area Permits

A permit must be obtained from the local NRD prior to drilling any new water well within a Ground Water Management Area, except (1) dewatering wells with intended use of less than 90 days and (2) test holes used ten days or less. Wells pumping less than 50 gallons per minute may or may not require a permit based upon the local NRD rules. If a permit is required, an application and fee must be submitted to the NRD in which the water well is to be located. To determine whether a permit must be obtained in your area, contact your NRD.

Individuals failing to receive a permit prior to drilling are required to apply for a late permit. The fee is payable to the NRD.

Each water well must be registered with DNR. A registration fee is required.

Municipal Notice of Intent

A public water supplier may obtain spacing protection of 1,000 feet for a public water supply wellfield by filing with the DNR a notice of intent to consider a wellfield. The notice must be accompanied by a \$10 fee and shall include the legal description of the land being considered for a public water supply wellfield and the written consent of the owner of the land being considered for a wellfield, if the owner is not the public water supplier.

A notice of intent expires one year after date of filing and maybe renewed for one additional year.

The notice must be provided to the owners of the land adjoining the land being considered for a wellfield and to the local natural resources district. The notice must be published once a week for three consecutive weeks in a newspaper of general circulation in the area in which the wellfield is being considered.